

REMARKS

Claims 1-9 and 11 are all the claims pending in the application.

I. Specification Amendment

The Applicant herein amends the paragraph beginning at line 22 on page 6 to correct a typographical error relating to the reference numbers for the first network unit and second network unit in Figure 1. The reference numbers have been corrected to read 31 and 32. No new matter has been added.

II. Information Disclosure Statement

The Applicant notes that the Examiner did not initial the NPL document, M. A. Prunty, “CTI and the Web-Enabled Call Center,” listed on the SB-08 form submitted with the Information Disclosure Statement (IDS) filed on November 24, 2003. As the NPL document was properly submitted with the IDS filing, the Applicant respectfully requests that the Examiner issue a revised or corrected SB-08 indicating consideration of this document.

III. Claim Rejections: 35 USC §102

The Examiner rejected claims 1-4, 7-9 and 11 under 35 USC §102(e) as being anticipated by Kung et al. (US 2003/0133558) (hereinafter Kung). The Applicant respectfully traverses this rejection.

Claim 1

The Applicant submits that Kung fails to disclose each and every element of claim 1, as required for a rejection under 35 USC §102(e). Specifically, Kung fails to disclose where information to be supplied during a call to a second terminal is “in response to at least one trigger-packet *originating from said first terminal* via the Internet Protocol,” as recited in claim 1 (emphasis added).

The Examiner argues that Kung discloses this element of claim 1 at Figure 6 and at paragraphs 0051 and 0058 of Kung, where an “announcement server 220 receives control messages from the call manager 218; the call manager 218 is configured to utilize signaling messages for example, Radius control messages to and/or from the broadband residential gateway 200.” However, Kung still fails to disclose where a trigger packet originates from a first terminal, as Kung only discloses a control message sent to an announcement server 220 from the call manager 218. The call manager 218 is a device in the network of Kung that detects if the called party terminal is busy. None of the network elements described in Kung for sending or receiving announcements are the terminals 142 (see Kung, Fig. 1) that would be similar to the first and second terminals of the claimed invention. Therefore, Kung does not disclose this element of claim 1, where the trigger-packet originates from the first terminal.

Therefore, as Kung fails to disclose each and every element of claim 1, the Applicant respectfully requests that the rejection under 35 USC §102(e) be withdrawn.

Further, the Applicant additionally submits that claims 2-6 are allowable at least based on their dependency to claim 1.

Claim 3

The Applicant additionally submits that Kung fails to disclose the elements of claim 3, where the trigger-packet is sent from said first terminal to said storage station. The Examiner submits that claim 3 is rejected using the same reasoning set forth in claim 1. As discussed above with regard to claim 1, Kung teaches where a control message is sent from a call manager 218 to an announcement server 220. Kung does not teach where the control message is sent from a first terminal to a storage station. Therefore, Kung does not disclose the element of claim 3, where the trigger-packet is sent from the first terminal to the storage station.

For at least these reasons, and further in view of the dependency of claim 3 upon claim 1, the Applicant submits that Kung fails to disclose the elements of claim 3 sufficient for a rejection under 35 USC §102(e).

Claim 4

The Applicant further submits that Kung fails to disclose the elements of claim 4, where the trigger packet comprises an indication for selecting at least one information part to be supplied during the call to the second terminal. The Examiner states that Kung discloses this element at Fig. 6-7, paragraphs 0161-0163, where the BRG 300 notifies the subscriber of the incoming call at step S740. The Examiner recites further sections of Kung that describe how the notifier sent to the subscriber can be a visual indication such as a text message, icon or flashing message, in addition to an audio message. However, no section of Kung describes how a trigger-packet sent from the first terminal comprises an indication for selecting at least one information-part to be supplied during said call to said terminal. Kung provides no information as to how the

type of notifier inserted by the BRG 300 is determined, and therefore cannot describe how the type of notifier is determined by a trigger-packet.

For at least these reasons, and further in view of the dependency of claim 4 upon claim 1, the Applicant submits that Kung fails to disclose the elements of claim 4 sufficient for a rejection under 35 USC §102(e).

Claims 7-9, 11

The Examiner states that claims 7-9 and 11 are rejected using the same reasoning set forth in claim 1. The Applicant submits that claims 7-9 and 11 are therefore allowable for at least the same reasons presented above with regard to claim 1. Specifically, each of claims 7-9 and 11 recite where the trigger-packet originates from the first terminal, which the Applicant does not believe is disclosed in Kung.

IV. Claim Rejections: 35 USC §103

The Examiner rejected claims 5-6 under 35 USC §103(a) as being unpatentable over Kung et al. (US 2003/0133558) (hereinafter Kung) in view of Girard (US 2002/0176404) (hereinafter Girard). The Applicant respectfully traverses these rejections.

Claim 5

With respect to claim 5, the Applicant submits that neither Kung nor Girard, taken alone or in combination, disclose where the second terminal, in response to the trigger-packet, generates a *further trigger-packet* to be sent during the call to the storage station. The Examiner

admits that Kung does not disclose where the trigger-packet is sent from the first terminal to the second terminal, as recited in claim 5. The Examiner cites to Girard and argues that Girard shows that the trigger-packet is sent from the first terminal to the second terminal. The Examiner also states that Kung discloses, at Figure 6-7, paragraphs 0161-0163, the generating of a further trigger-packet to be sent during the call to the storage station via the Internet Protocol. The Examiner summarizes the referenced section of Kung where:

BRG 300 determines whether the subscriber desired to answer the incoming call at step S750. The subscriber may enter a code to place the ongoing call onto the call waiting queue and answer the incoming call, the subscriber may terminate the ongoing call and answer the incoming call or the subscriber may ignore the notified and allow the incoming call to be placed on the call queue.

However, the cited section of Kung fails to teach the elements of the claimed invention. Claim 5 explicitly teaches that the further trigger-packet is to be sent *to the storage station*. As discussed by the Examiner with regard to claim 1, the storage station of Kung is the IP central station 200 in Figure 2. However, the cited section of Kung does not indicate that the code sent by the subscriber is to the IP central station 200, but rather that the BRG 300 communicates the code to the CM (call manager) 218. *Kung*, paragraph 0163. Kung does not disclose generating a further trigger-packet to be sent during the call to the storage station, as indicated in claim 5.

Therefore, neither Kung nor Girard, taken alone or in combination, disclose the elements of claim 5. Further, neither Girard nor Kung provide any motivation to combine their teachings

to arrive at the claimed invention. For at least the reasons stated above, the Applicant believes that the rejection under 35 USC §103(a) is improper.

Claim 6

The Applicant refers the Examiner to the arguments presented above with regard to claim 5 and claim 1, and submits that claim 6 is allowable at least based on its dependency to claim 5 and claim 1. The Applicant additionally refers the Examiner to the arguments presented above with regard to claim 4, and submits that Kung fails to disclose where any trigger-packet comprises an indication for selecting at least one information part to be supplied during the call to the second terminal.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Scott H. Davison/

SUGHRUE MION, PLLC
Telephone: (619) 238-3545
Facsimile: (619) 238-4931

Scott H. Davison
Registration No. 52,800

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 11, 2008